

MESSAGE NO: 0132301 MESSAGE DATE: 05/12/2010

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-901

EFFECTIVE DATE: 04/17/2006 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO



TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION FOR OUT OF SCOPE RULING ON CERTAIN LINED PAPER PRODUCTS (LIVESCRIBE, INC. PATENTED DOT-PATTERNED PAPER) FROM CHINA (A-570-901-000)

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM LIVESCRIBE, INC. COMMERCE ISSUED A FINAL SCOPE RULING ON 02/26/2010, THAT LIVERSCRIBE INC.'S PATENTED DOT-PATTERNED PAPER IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN LINED PAPER PRODUCTS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-901-000).
2. COMMERCE DETERMINED THAT LIVESCRIBE INC.'S PATENTED DOT-PATTERNED PAPER'S PHYSICAL CHARACTERISTICS ARE DIFFERENT FROM MERCHANDISE COVERED BY THE SCOPE OF THE ORDER ON CERTAIN LINED PAPER PRODUCTS FROM THE PEOPLE'S REPUBLIC OF CHINA. WE FIND THAT THE EXPECTATIONS OF THE ULTIMATE PURCHASERS AND THE ULTIMATE USE OF LIVESCRIBE'S PATENTED PAPER ARE DIFFERENT THAN PRODUCTS SUBJECT TO THE ORDER. WE ALSO DETERMINE THAT THE MANNER IN WHICH LIVESCRIBE'S PRODUCTS ARE ADVERTISED AND DISPLAYED DIFFERS FROM MERCHANDISE SUBJECT TO THE ORDER. BASED ON THIS ANALYSIS, COMMERCE DETERMINED THAT THE PATENTED DOT-PATTERNED PAPER IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN LINED PAPER PRODUCTS FROM THE PEOPLE'S REPUBLIC OF CHINA.
3. EFFECTIVE 04/17/2006, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF PRODUCT NOT WITHIN THE SCOPE LISTED ABOVE.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO LIVESCRIBE INC.'S PATENTED DOT-PATTERNED PAPER LISTED ABOVE.
5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF LIVESCRIBE INC.'S PATENTED DOT-PATTERNED PAPER OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 04/17/2006.



6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. FOR ALL OTHER SHIPMENTS OF CERTAIN LINED PAPER PRODUCTS FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (03:VC).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH



## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party